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EXAMINER	
STEELE, AMBER D	
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1654	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Continued

Arguments and Response

Applicants' arguments directed to the rejection under 35 USC 112, second paragraph (indefinite), for claims 1-5, 7-10, 20, and 26 were considered but are not persuasive for the following reasons.

Applicants contend that the claims as currently presented are definite.

Applicants' arguments are not convincing since the claims as presented are indefinite regarding the limitation after method step d of "wherein a polynucleotide…is isolated" (independent claim 1). However, it is not clear if this is a separate method step (i.e. required method step for a proper nexus between the preamble and the method steps. In addition, method step a has statements that appear to be "product-by-process" limitations regarding the reagents utilized (i.e. cell or cellular extracts of the microbe or pathogen "that have been grown *in vitro*"). Furthermore, it is noted that cellular extracts are presently claimed could refer to antigens, single antigen, etc.

Applicants' arguments directed to the rejection under 35 USC 103 (a) as being unpatentable over Bickel et al. and Suk et al. for claims 1-5, 7-10, 20, and 26 were considered but are not persuasive for the following reasons.

Applicants contend that neither Bickel et al. nor Suk et al. teach antibody samples from one or more host(s) infected with a microbe or pathogen.

Applicants' arguments are not convincing since the teachings of Bickel et al. and Suk et al. render the method of the instant claims *prima facie* obvious. Suk et al. teach collecting sera

from mice infected with *B. burgdorferi* (see Materials and Methods section for example). Bickel et al. teach immunodepletion methods (see Figure 1 for example).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Debeaupuis et al., 1995, Antigens of *Aspergillus fumigatus* expressed during infection, Can. J. Bot., 73 (suppl. 1): S1087-S1091; Edman et al., 1990, Characterization of an Immuno-dominant Variable Surface Antigen from Pathogenic and nonpathogenic *Entamoeba histolytica*, J. Exp. Med., 172: 879-888; Scala et al., May 1999, Selection of HIV-Specific Immunogenic Epitopes by Screening Random Peptide Libraries with HIV-1-Positive Sera, The Journal of immunology, 162: 6155-6161; and U.S. Patents 6,376,474 (see columns 7 and 11-16 regarding negative selection); 6,013,443; and 5,789,157.

Future Communications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber D. Steele whose telephone number is (571)272-5538. The examiner can normally be reached on Monday through Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amber D. Steele/
Primary Examiner, Art Unit 1654